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Human rights situations that require the Council's attention

Written statement* submitted by the Marangopoulos Foundation for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The refugee and migrant crisis in need for a prompt and comprehensive UN response

Undoubtedly, Europe is currently confronting one of the most significant refugee and migrant crisis in its history after the Second World War. The number of refugees and migrants entering into Europe has reached unprecedented levels, thus putting huge pressures on Europe and sparking division within the European Union (EU) over how best to deal with this emergency. In 2015 alone, the influx of refugees and migrants exceeded one million (1,046,599 arrivals), according to the latest figures issued by the International Organization for Migration (IOM)¹. As the conflict in Syria – arguably, one of the major causes of the ongoing refugee and migration emergency – will continue unabated, projections on the number of migration flows for the following years are alarming. According to the UN Refugee Agency (UNHCR), it is estimated that “in 2016 up to one million refugees and migrants could attempt to use the Eastern Mediterranean and Western Balkans route to Europe”,² while overall figures for the EU rise to three millions according to the European Commission.³

The Marangopoulos Foundation for Human Rights (MFHR) remains deeply concerned by the rising toll on human life and disappointed by the inadequacy of the responses given so far. In particular, the migration and refugee crisis has acutely revealed the limits of the EU’s migration and asylum policy. Its collective response has been *ad hoc*, focusing on securing its external borders in order to stem the migration flow than on protecting the rights of refugees and migrants.

It should not be forgotten that asylum seekers and migrants are all entitled to protection of their human rights under international law as enshrined under the Universal Declaration of Human Rights which in art.2 explicitly stipulates that everyone, without any distinction whatsoever, is entitled to human rights. It is therefore imperative that states pursuant to their obligation to adhere to the international standards of human rights protection ensure that asylum seekers and migrants are properly and individually assessed in order to establish their specific protection needs, including their protection against trafficking and exploitation. In this regard, special attention must be paid particularly to the vulnerability of unaccompanied children. According to Europol, at least 10,000 unaccompanied child refugees have “disappeared” after arriving in Europe and there are fears that they might have fallen into the hands of organized trafficking and other criminal networks.⁴ This is a particularly alarming trend to which states should pay immediate attention, as children are entitled advanced international protection pursuant to the 1989 Convention on the rights of the child.

The tide of migration flows is unlikely to stem in the foreseeable future. Even if the conflict in Syria came to an end now, its repercussions with regard to migration would have lasting effects in the years to come. Migration has been and will continue to remain high on the international agenda. This is why the MFHR notes with concern the absence of this issue from the Programme of Work of the Human Rights Council. The issue of migration is also included in the newly adopted post-2015 Development Agenda, according to which governments are committed to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” (Millennium Development Goal: 10.7).

As a result, creating of a fortress Europe offers no response to the refugee crisis. On the contrary, it only forces asylum seekers and migrants to use more dangerous alternative routes via the Mediterranean Sea, thus causing a devastating toll on human life. According to the IOM, Europe is the “most dangerous destination for irregular migration in the world”,

¹ Out of the 1,046,599 arrivals, 1,011,712 refugees and migrants arrived by sea according to the IOM website: <http://migration.iom.int/europe/> (last accessed: 15.02.2016). For the statistics of the UN Refugee Agency (UNHCR) please consult the following link: <http://data.unhcr.org/mediterranean/country.php?id=83> (last accessed: 15.02.2016).

² <https://data.unhcr.org/mediterranean/download.php?id=521> (last accessed: 15.02.2016).

³ <https://ec.europa.eu/migrant-integration/news/eu-wide-economic-forecast--small-increase-in-spending-and-gdp-if-countries-successfully-invest-in-newcomer-refugees?pdf=1> (last accessed: 15.02.2016).

⁴ <http://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees> (last accessed: 15.02.2016).

while the Mediterranean “the world’s most dangerous border crossing”.⁵ This can be attributed to the absence of safe legal channels for refugees and migrants to enter the EU territory, which has enabled unscrupulous smugglers to develop their business by exploiting desperate individuals who have no other option.

Hence, what is urgently needed is the creation of safe and regular channels of migration as part of a robust coherent, comprehensive and coordinated response to the refugee and migrant crisis which is still lacking. It is highly crucial to create an effective, fair and sustainable mechanism for “burden” sharing with regard to asylum-seekers and migrants not only in Europe, but among all UN member states. More large scale emergency reception, registration and screening centres must be set up and be fully operational the soonest possible in countries like Italy and Greece which have received the largest portion of the migration flow so far. However, these frontline countries cannot be left alone in assuming the “burden” of this challenge and must be supported with staff and technical assistance. This “hotspot” concept will accelerate the identification procedure and will enable asylum-seekers to move further to their desired destination. However, as the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, has warned, these hotspots should not in effect operate as “detention centres in disguise”.⁶

Moreover, attention should be paid to a rather neglected aspect of the migration issue. Refugees and migrants constitute vulnerable groups of people that are increasingly reported to have fallen victims of racial discrimination, racist attacks, xenophobia and ethnic intolerance. The use of racist and xenophobic language against refugees and migrants is appalling and all governments must reject any advocacy for hatred that constitutes incitement to discrimination, hostility or violence. Moreover, it should be widely understood that government practices such as razor-wire fences, the confiscation of assets and the vilification of people seeking refuge by state officials are inconsistent with the values of dignity and human rights which both the UN and the EU was founded upon and do not help to create a climate of compassion and support by the local communities that are called upon to host refugees and migrants. Arguably, this may be attributed to the fact that little attention has been paid so far to the positive contributions that refugees and migrants can make to the societies in which they settle, especially as regards the labour market and the potential for an effective boost of the local economy.

Given the current unsatisfactory and inadequate response at the regional level, it is high time for the UN and especially its most competent human rights agency, the UN Human Rights Council, to reclaim its role as a true advocate of human rights by undertaking concrete steps to safeguard in practice the human rights of asylum seekers and migrants. The MFHR calls upon the UN Human Rights Council to adopt a Resolution under which it shall adopt the following measures. In particular, the Council shall:

- assist governments to establish a human-rights based coherent and comprehensive refugee and migration protection mechanism that would offer long-term and lasting solutions to the pressing migration issue.
- ensure that the design of border management is protection-sensitive and that refugees will not end up staying in detention centres. In order to ensure this, the principles of shared responsibility and solidarity shall underpin every designed action.
- encourage states to widely use awareness-raising campaigns as a potent tool to effectively tackle the resurgence of voices of racism and xenophobia, thus also enhancing the integration capacity in resettlement countries.
- call upon states to initiate campaigns targeted to the vulnerable groups of children and women that would provide them with information about their rights and the protection that they are entitled to receive under national and international law. National and international competent authorities such as Europol should collaborate more closely in order to effectively tackle human trafficking.

It is beyond any contestation, that the continuous flow of refugees and migrants poses a great challenge to the international community, a challenge which must be effectively and successfully addressed if human rights are to be upheld.

⁵ <https://www.iom.int/statements/iom-releases-new-data-migrant-fatalities-worldwide-almost-40000-2000> (last accessed: 15.02.2016).

⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16570&LangID=E> (last accessed: 15.02.2016).

Above all, it must be ensured that whether classified as refugees or migrants, these people are all entitled to protection based on international law and in particular on the human rights law, humanitarian law and refugee law international standards.
